

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

2020 ANNUAL REPORT OF THE JUDICIARY

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I. WELCOME LETTER FROM THE CHIEF JUDGE

Little Traverse Bay Bands of Odawa Indians

Tribal Court

7500 Odawa Circle
Harbor Springs, Michigan 49740
231-242-1462 – Fax 231-242-1470



June 17, 2021

Aanii Tribal Citizens:

The Court hopes this letter finds you and your family healthy and safe.

In 2020, the whole world faced challenges like never before. Tribal Court was no exception! We believe that fully functioning courts are an essential part of maintaining public welfare and safety. Therefore, the Judiciary determined that it was imperative to maintain continuous services even during a worldwide pandemic. I am incredibly proud that we did just that in 2020!

In January of 2020, I watched online satellite images of China building a massive hospital in just ten days. That is when I started believing that there was a threat coming our way. I started buying Personal Protective Equipment (“PPE”) and carefully watching news reports for more information.

By March 5, 2020, I felt certain COVID-19 would be the next pandemic. I asked the Court’s managers to watch a video on the pandemic of 1918, the last pandemic to sweep the United States.

On March 13, 2020, I asked my managers to develop a LTBB Tribal Court Pandemic Resource Guide in case COVID hit Petoskey. It hit Petoskey just days later.

The extraordinary work of our staff kept the Court working for the community without interruption in 2020. We moved to Zoom hearings immediately. Unlike many state courts, we did not cancel a single hearing! We installed a system to arraign people from jail, prisons or other institutions. We created new Court rules to make it easier for the public to access the Court remotely. We changed our filing rules to encourage electronic filing. We installed plexiglass barriers in our courtroom, we bought hand sanitizer and as much personal protective gear as possible. We created protocols for entering the Court offices, which included health screening questionnaires and temperature checks.

While other drug courts closed their doors, we used technology to keep our Healing-to-Wellness Court operating. We continued to meet weekly using Zoom. We switched our clients from an alcohol ankle monitor that requires close person-to-person contact to download, to a breathalyzer that the individual can administer to themselves. We also used Zoom for oral drug testing, moved clients to online peer support meetings and continued our talking circle using Zoom.

In normal times, our clients balance a variety of challenging life situations that create stress. The pandemic only aggravated and increased the stress our clients faced. We provided additional support by initially offering daily check-ins by phone and weekly traditional teachings by phone.

To help give the clients a positive purpose and focus that could also serve to achieve their 30/30/30 requirements (every client must complete 30 hours of work, school or community service) we helped the clients make masks. The female cultural advisor is an excellent seamstress. She researched straightforward mask patterns that could be sewn by hand, made a how-to video for the clients, purchased mask materials, made kits with fabric and materials precut and measured, and she dropped the kits off to the clients. We made at least 315 masks for the community.

We looked for other ways to connect clients to cultural activities that were safe in a pandemic, some of which we plan on continuing. For example, we put a video online for the clients teaching them how to identify sweetgrass. Our cultural advisor then took the clients out sweetgrass picking. Sweetgrass was donated to the elders.

Another safe cultural activity focused on nutrition. The Tribe contracts with a farm to allow Tribal citizens and their families to pick fruits and vegetables from the farm as they come in season. We met clients at the farm, and the clients picked for elders who were unable to participate in the harvest events themselves.

An addition to our program that we plan on keeping involves the language. We gave clients 30/30/30 credit for taking online language classes. We think the language is important enough to our community that we offered double the hourly credit as an incentive for taking language classes!

I never thought I would live through a global pandemic. What I have learned is that we are more resilient and resourceful than we know. I am grateful for our strong leadership, our excellent Tribal Health Department and our Tribal Government's overall commitment to caring for our community! I have never been prouder to be an Odawa kwe!

It is impossible to know what challenges lay ahead. It brings me relief that we will face whatever lies ahead as a community. I am grateful to be part of that community!

Respectfully,



Hon. Allie Greenleaf Maldonado
Chief Judge
Little Traverse Bay Bands of Odawa Indians

II. INTRODUCTION AND OVERVIEW OF THE JUDICIARY'S ANNUAL REPORT FOR 2020

The Judicial Branch of the Little Traverse Bay Bands of Odawa Indians looks forward to this opportunity to share information regarding the Court's operation and activities. The Judiciary takes very seriously its accountability to the citizens of the Tribe. This report and the information that it contains helps to serve this function. We recognize that this report, produced once a year, is important. We believe that it accurately represents the operations of the Court. We encourage anyone with questions, comments, or suggestions to contact us at any time throughout the year.

This report contains statistical data and information related to the day-to-day operations of the Court, an overview and summary of services provided as part of that operation, an overview of our funding, and useful materials that may assist citizens in accessing the Court's services.

Alongside our entire community, the Tribal Court had to adjust and persevere through the COVID-19 pandemic. We continued to take measures in 2020 to address the pandemic and ensure that the Court met its Constitutional obligations and that the Court remained accessible to the public.

The mission of the Court is to uphold the laws of the Tribe by providing an impartial forum for resolving disputes, providing justice, and protecting the public through the fair and rational application of these laws. The LTBB Constitution created a Tribal Judiciary as a separate branch of government composed of a court of general jurisdiction, called Tribal Court, and an appellate court, called Tribal Appellate Court. The jurisdiction of the Court is based upon the Tribe's inherent sovereignty, traditional custom, and federal law. With a focus on the values of respect, honesty, humility, truth, wisdom, love, and courage, the Court applies the law equally to all individuals without regard to the government's position or the general weight of public opinion. In addition to protecting the rights of individual citizens and entities, the Court decides questions concerning the scope and existence of the Tribe's governmental authority through the interpretation of laws enacted by and through the other two branches of government. The Judiciary enhances its impact by encouraging the development and administration of services that address the most pressing issues that lead to citizens involuntarily coming under the jurisdiction of the Court.

To accomplish these responsibilities, the Tribal Judiciary is comprised of a Chief Judge, who in addition to presiding over civil and criminal matters, is responsible for the oversight and administration of the Court. A part-time associate judge, as a member of the Judiciary, is responsible for all civil and criminal matters arising from controversies under the constitution, statutes, and procedures as assigned by the chief judge. The Tribal Appellate Court consists of a chief justice and two associate justices that hear appeals of cases originating in Tribal Court. The decisions of the Tribal Appellate Court are final, binding, and cannot be appealed further. The Judiciary, as a whole, is responsible for establishing rules, policies, and procedures for the Courts.

The Court, as always, welcomes the opportunity to share information about its operation and programs. We would encourage you to share input on how the Court can better serve the community. You can do this by contacting the Court Administrator, Matthew Lesky, at (231) 242-1461, or by email at mwlesky@lbbodawa-nsn.gov

III. INTRODUCTION AND BIOGRAPHICAL INFORMATION ON MEMBERS OF THE LTBB JUDICIARY

Chief Judge Honorable Allie Greenleaf Maldonado



The Honorable Allie Greenleaf Maldonado is a citizen of the Little Traverse Bay Bands of Odawa Indians (“LTBB”) and a member of the turtle clan.

Judge Maldonado is a nationally recognized expert on the Indian Child Welfare Act (“ICWA”), the Michigan Indian Family Preservation Act (“MIFPA”) and drug courts. She has worked extensively with the State Court Administrative Office to bring Michigan into compliance with ICWA.

She is a frequent trainer and speaker in the areas of ICWA, MIFPA and drug courts.

In 2014, Judge Maldonado was voted Michigan Lawyer’s Weekly Woman of the Year. In 2015, she was privileged to be selected as the *Unsung Hero* for the State Bar of Michigan Representative Assembly. Moreover, in 2016 she was chosen by Harvard Law School as an honoree for International Women’s Day, recognizing her extraordinary work with students. In 2017, the Detroit News named her a Michiganian of the Year. In 2018, she contributed a chapter to the New Press’s latest book titled, *Tough Cases*. In 2019, Governor Whitmer appointed her to the Michigan Committee on Juvenile Justice. In 2020, she was elected to the Board of Directors for the National Association of Drug Court Professionals Board. In 2021, the Michigan Supreme Court appointed her to the Michigan Justice for All Taskforce.

Judge Maldonado graduated in the top third of her class from the University of Michigan (“UM”) Law School. While at UM, she served as a Contributing Editor for the University of Michigan Law Review. After graduation, Judge Maldonado was selected through the highly

competitive Honors Program at the United States Department of Justice (“DOJ”) to become a litigator in the Indian Resources Section of the Environment and Natural Resources Division.

In September of 2002, Judge Maldonado returned home and first accepted a position as Assistant General Counsel for LTBB. She served the Tribe in that role until she was appointed Chief Judge in 2012.

Judge Maldonado and her husband Jay are the proud parents of two wonderful children.

Associate Judge John L. Lemire



Judge Lemire is an enrolled member of the Grand Portage Band, Minnesota Chippewa. His father was a dislocated "boarding school" Indian ending up in Michigan.

He is a retired Family Court Referee, having served the 3rd Circuit Court in Wayne County for more than 25 years. He has been a Court appointed Mediator/Arbitrator since his retirement. Judge Lemire has been involved in Indian law and welfare for decades. He has served as a Board member and Vice Chair of Michigan Indian Legal Services for over thirty years until his appointment to the Tribal Court. He is currently Chairperson of the Board of American Indian Health and Family Services of Southeastern Michigan (“AIHFS”). AIHFS is a medical and behavioral health clinic in Detroit funded by the Indian Health Service and other grants that assists urban Indians. He has participated in programs to assist Native American Law students and served other Michigan Tribes in various legal capacities. He is past Chair of the American Indian Law Section of the State Bar.

In his legal career, Judge Lemire has served as a Referee for the Michigan Civil Rights Commission, as a chair panelist of the Attorney Discipline Board, and as an Assemblyperson for the State Bar of Michigan.

On a personal level, Judge Lemire is an Army Veteran of Vietnam and has been happily married for many years to his wife Marlene with two grown children. Even with all of the above accomplishments, he considers his appointment to the Tribal Court the highlight of his career.

Chief Justice Sean E. Cahill



Justice Cahill was first appointed to the LTBB Appellate Court on December 21, 2015. He was appointed to complete the six-year term vacated by Catherine Castagne when she left the bench to become the LTBB Prosecutor. Justice Cahill was re-appointed in April of 2017.

Justice Cahill is a citizen of the Little Traverse Bay Bands of Odawa Indians. Justice Cahill is Assistant General Counsel for the Grand Traverse Band of Ottawa and Chippewa Indians and previously represented the Tribal Council of the Little River Band of Ottawa Indians.

Justice Cahill graduated from the University of Michigan with a B.S. in Sociology and in Brain, Behavior and Cognitive Science. In 2011, he received his J.D. from the Sandra Day O'Connor School of Law at Arizona State University, where he participated as a member of the Indian Legal Program, represented tribal clients in the Indian Law Clinic, and served two years on the executive board of the Native American Law Students Association. While in law school, Justice Cahill worked for the Senate Committee on Indian Affairs, the law firm Fredericks, Peebles & Morgan and the Maricopa Superior County Court. He is admitted to practice in Michigan and in a number of tribal courts.

Justice William Denemy



Justice Denemy was appointed Justice to the Appellate Court on September 12, 2014.

Justice Denemy grew up in the Charlevoix and Petoskey area. He left the area to serve a thirty-three year career with the Michigan State Police. He then took a position with the Central Montcalm Public Schools as Transportation Director and Grounds Supervisor. After retirement, he moved back to the Petoskey area to serve his Tribe and was employed by the Little Traverse Bay Bands. Prior to being appointed as a Justice on the Appellate Court, Justice Denemy served the Tribe through his positions in (1) the Gaming Administration, (2) the Gaming Board of Directors and (3) the Tribal Drug Court. Justice Denemy also served four years as the Tribal Vice-Chairperson.

Justice Frank Ettawageshik



Justice Ettawageshik is the newest member of the LTBB Judiciary, having been appointed and sworn in on February 9, 2018.

Justice Ettawageshik is a citizen of the Little Traverse Bay Bands of Odawa and lives in Harbor Springs, Michigan with his wife Rochelle. He has four adult children and six grandchildren. He is a traditional storyteller and potter, believing that Native people need to be rooted in their traditions in order to be prepared for the future.

Justice Ettawageshik served in tribal elected office for sixteen years, fourteen as the Tribal Chairman. During his tenure as Tribal Chairman he was instrumental in the adoption of the Tribal and First Nations Great Lakes Water Accord in 2004 and the United League of Indigenous Nations Treaty in 2007. Now serving as the Executive Director of the United Tribes of Michigan, he is also the Chairman of the United League of Indigenous Nations Governing Board and the Co-chair of the National Congress of American Indians Federal Recognition Task Force.

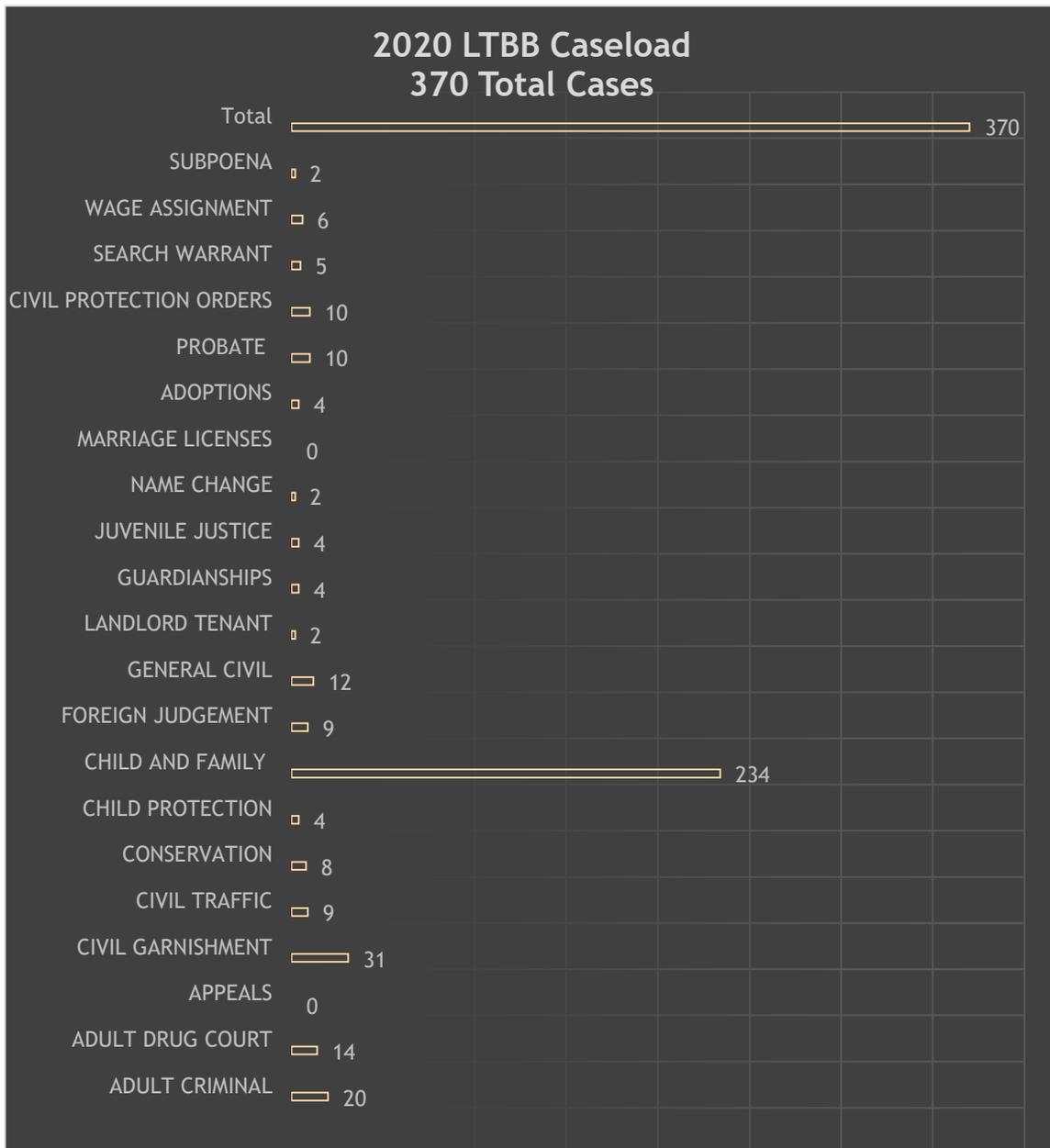
Justice Ettawageshik also currently serves on several non-profit boards including the Association on American Indian Affairs, Anishinaabemowin Teg, and the Michigan Indian Education Council. In April 2016, he was appointed to the Great Lakes Water Quality Board. Justice Ettawageshik was a 2010 Fellow at the Native Nations Institute Indigenous Leaders Fellowship Program at the University of Arizona. His 40 years of public service has included serving on the Executive Board of the National Congress of American Indians, the Midwest Alliance of Sovereign Tribes, the Historical Society of Michigan, the Chippewa Ottawa Resource Authority, the Michigan Climate Action Council, the Little Traverse Conservancy, the Michigan Travel Commission, the Public Interest Advisory Group for the International Joint Commission's Upper Great Lakes Study, the Michigan Great Lakes Offshore Wind Council, and the Michigan Ground Water Conservation Advisory Council.

IV. STATISTICAL DATA FOR OVERVIEWING COURT OPERATIONS

In order to provide perspective and evaluate the Court’s operation, we routinely compile data related to various operational components. The data is used to analyze activity and identify trends. This assists the Court in planning for programs and anticipating needed resources.

We compiled data throughout the year. However, in preparing to publish this report we were confronted by an unanticipated challenge. In March 2019, the Tribe’s computer network was attacked by ransomware. As a result of that event, the Court lost access to our database where we store and compile statistics used for this and other reports. As of the date of printing this report, all of the data that can be recovered has been recovered. The data below represents the most accurate information we can provide.

Based on the data we do have we can report that in 2020 the Tribal Court presided over **370 active cases**. In the graph below, these cases are shown by specific type showing the diversity of impact and areas of authority within the Court.



V. STAFF AND OPERATIONAL SUMMARY

The Court currently employs nine people, not including the appointed members of the Judiciary. Individual staff duties and responsibilities are unique. Each employee receives some cross-training to ensure that basic functions within the Court can be carried out when the person normally performing that duty is unavailable.

The individuals employed by the Court are honored to serve the community and take pride in their contributions to the success of the Judiciary in fulfilling its mission.

Court Administrator

Within the Constitution, under Article IX, Section H, 3, it states, “The Tribal Judiciary shall employ an administrator of the Courts and other assistants as may be necessary to aid in the administration of the court of the Little Traverse Bay Bands of Odawa Indians.” Furthermore, it states, “The administrator shall perform administrative duties assigned by the Judiciary.”

The Court Administrator is responsible for the day-to-day operations of the Court. Directed and supervised by the Chief Judge, the Court Administrator supervises court staff, develops and monitors budgets, administers the various grants, directs the collection and analysis of data, and reviews policies and procedures. Additionally, in order to further the goal of serving the LTBB community, the Court Administrator collaborates with departments in other branches of government and with agencies and individuals in the state court system.

In 2020, the Court Administrator participated in events, conferences, seminars, and trainings covering diverse topics within judicial systems. These included information and discussion on Child Protective Codes, Court Improvement Programs with the State of Michigan, victim rights, state and tribal collaboration, trends and practices in treatment courts, and emerging issues related to marijuana and vaping trends. These trainings and events review national and tribal standards, emerging trends, and the experiences of other courts. The Tribal Court benefits from this because it helps us evaluate existing services and programs and initiate changes that will benefit those individuals served by the Court. Overall, we are constantly seeking to improve the quality of the Court’s operation.

Court Clerks

The Tribal Court’s Senior Court Clerk and Court Clerk I are the staff with whom the community is most likely to initially contact when utilizing the services of the Court. These individuals have a variety of responsibilities, including fulfilling a role of reception at the Court’s window and answering calls received on the Court’s main phone line.

Along with the responsibilities outlined above, the courts clerks have the primary duty to process all receive and process filings for all cases filed in Tribal Court. The Court Clerks also have responsibilities and serve in a variety of other ancillary capacities. These include but are not limited to the following:

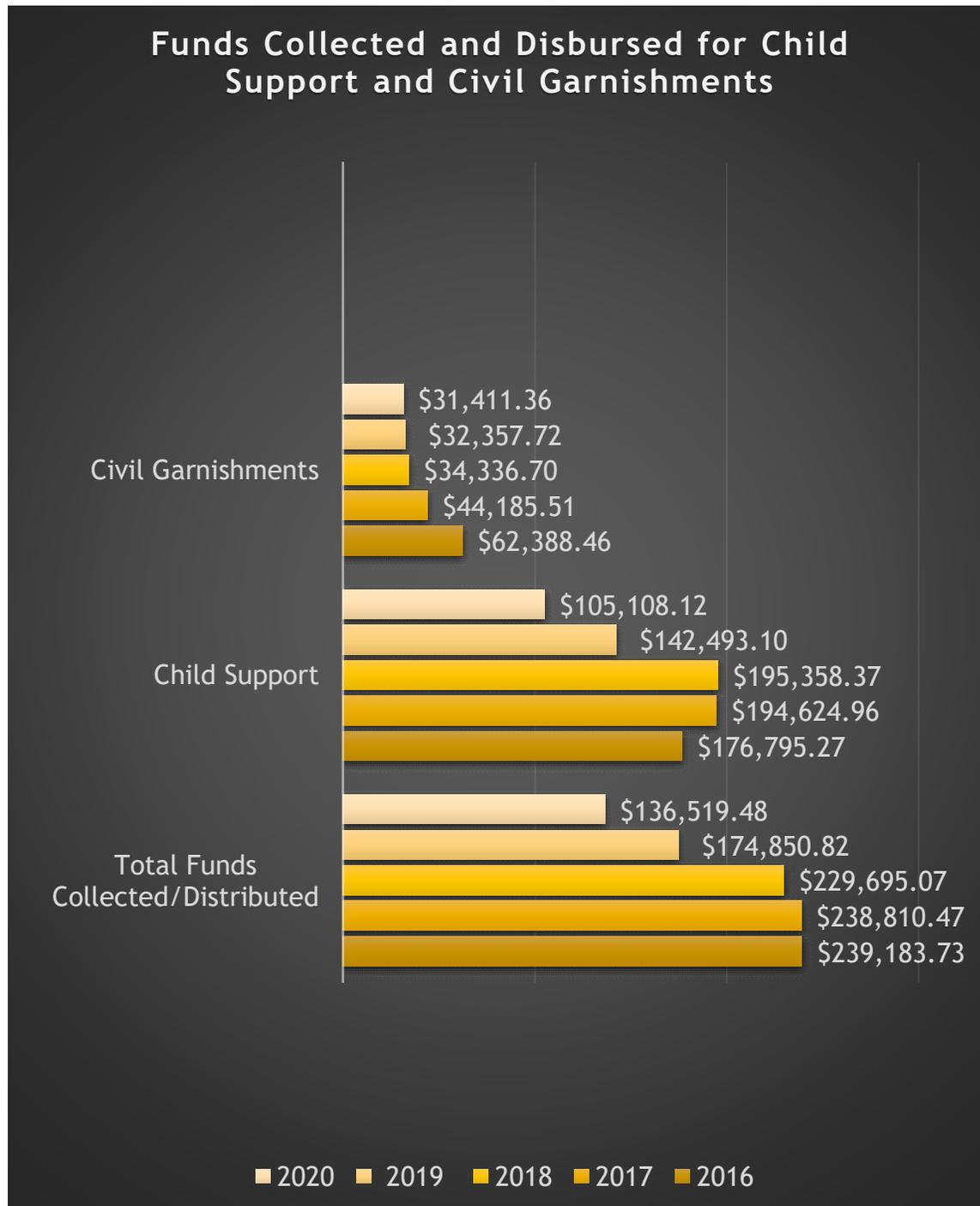
- Data entry of case-specific information into the Court’s database;
- Processing notices and other documents/pleadings for all interested parties;
- Recording an accurate audio recording of all hearings;
- Maintaining the Court’s recording equipment;
- Providing case information to Tribal Citizens consistent with statutes;
- Answering questions about Court processes;
- Collecting fines and fees received by the Court;
- Maintaining the Court’s docket, calendar, and records;
- Researching and analyzing information specific to active cases;
- Administering annual per-capita garnishments;
- Notarizing documents;
- Processing invoices and contract requisitions;
- Ordering and processing transcripts of specific proceedings;
- Preparing correspondence and other Court documents;
- Processing admission to practice applications and attorney oaths;
- Performance of clerical duties in the office and in the Court room;
- Processing of the Court’s orders;
- Managing case files;
- Communicating with attorneys and parties regarding cases; and
- Providing approved Court forms to those wishing to file cases.

The Tribal Court’s Senior Court Clerk and Court Clerk I are invaluable to the Court’s operation and success. They serve as liaisons to Tribal Citizens, visitors, various inter-governmental departments, outside agencies, attorneys, and the rest of the general public.

The court clerks regularly attend training to improve the skills and to keep up with developments in court processes and procedures. The Senior Court Clerk attended the following trainings in 2020:

- MJI Court Support Staff Cert. Training, Lansing, MI (also attended by the Court Clerk I and Administrative Assistant)
- Rite-Track Training
- Administering Justice in Tribal Courts During the COVID-19 Pandemic Rapid Response Webinar Series – Court Clerk
- NADCP – Love Letters Performance
- NATCP Virtual Conference
- Walking the Good Life During COVID-19 Training
- TLPI Training – Virtual
- Mock Trial Training for Tribal Court
- Collaboration Among Criminal Courts & Justice System Partners Webinar – NCSC (National Center for State Courts)

The Court Clerks are responsible for processing and distributing funds collected through various types of orders. The graph below shows funds collected in calendar year 2020 and compares that data with that of previous years.



Administrative Assistant

The Administrative Assistant provides support to every position and program within the Court. The position is responsible for assuming many unique responsibilities that aren't always obvious to the public but contribute greatly to the Court's efficient operation. The Administrative Assistant's primary responsibilities include:

- Providing clerical support to the Chief Judge and Court Administrator;
- Providing transportation;
- Scheduling, attending, and recording notes and minutes at multiple inter/intra office meetings and events;
- Creating/editing documents and spreadsheets using various software programs;
- Creating/storing of closed Court files into a digital format for archiving;
- Processing purchase orders, check requests, and other documents;
- Processing travel requests and subsequent reports;
- Correlating data and other information for analysis;
- Maintaining Tribal Court's budget overview for analysis; and
- Interfacing with Tribal Departments in the other branches of Tribal Government.

The Administrative Assistant is cross-trained in order to cover many of the functions within the office ensuring that the Court is able to meet the needs of the community.

Probation Department

The LTBB Probation Department is comprised of one probation officer who serves as the adult probation officer, juvenile probation officer, and Specialty Court Coordinator. They also provide courtesy supervision through the LTBB Probation office. The Probation Department works collaboratively with LTBB departments as well as local and state agencies.

The Probation Department provides individualized support and monitoring to LTBB Court-ordered clients and clients receiving courtesy supervision ordered by other jurisdictions. Probation's primary purpose is to provide supervision, ensure compliance of Court orders, and provide case management. In 2020, probation supervised **36 cases**.

Adult Probation:

Probation provides the opportunity of those convicted of a crime to remain in the community as opposed to being incarcerated. Probation terms are customized to the individual's offense, history, and their specific needs. Probation focuses on rehabilitative services that provide the client the opportunity to learn from their behaviors. Additionally, probation focuses on enhancing community safety.

Areas of assistance that are provided may include but are not limited to the following:

- Referrals for counseling services;
- Referrals for substance abuse assessments;
- Transportation services;
- Support in employment opportunities;
- Referrals and support for continued education; and
- Alcohol and drug testing at no cost for LTBB tribal members.

During 2020, the Probation Officer attended trainings, conferences and meetings for continued education to promote enhanced programming.

The Probation Officer and other members of the Waabshki-Miigwan Team attended trainings focused on best practices and emerging trends in Healing-to-Wellness Courts sponsored by the Tribal Law and Policy Institute.

Juvenile Probation:

The Juvenile Probation Department provides supervision for delinquent youth that need intervention and provides in-home care services that are utilized as an alternative to removing the youth from the home and placing them in detention. Conditions and requirements are designed to address specific needs and provides the youth the ability to improve. Probation has face-to-face contact with juvenile clients, not only in the Court offices but also at their schools and within their homes. Areas of assistance that are provided may include but are not limited to the following:

- Educational support services;
- Assistance with transportation;
- Referrals for individual and family counseling; and
- Providing extracurricular opportunities at no cost to the juvenile or family.

In 2020, there was **1 juvenile case** supervised by the Probation department related to juveniles in need of supervision. The Court makes specific findings in these cases from allegations in a petition related to the following acts:

- **Truancy:** A juvenile who repeatedly absents himself or herself from school or other learning program intended to meet the juvenile's educational needs, or repeatedly violates rules and regulations of the school or other learning program
- **Runaway:** A juvenile who willfully and voluntarily absents himself from his or her home without the consent of his or her parent, guardian, or other legal custodian.
- **Incorrigibility:** A juvenile who repeatedly disobeys reasonable and lawful commands or directives of their parent, legal guardian, or other custodian.

Monitoring and Testing Descriptions

Along with the services mentioned above, the Probation Department provided drug and alcohol screening to individuals under the Court's jurisdiction and others requiring the service. The

Court's policy allows any LTBB Tribal Citizen the ability to utilize our testing program free of charge. The Court will also test other individuals who pay the cost of the specific testing. Drug and alcohol screenings are essential elements in providing services to those involved in the criminal justice system.

Drug Screens

LTBB Tribal Court uses urinalysis to screen clients for the misuse/abuse of drugs and alcohol. All LTBB Court staff are trained on the proper procedures for collecting these specimens. These tests can detect a variety of illicit and prescribed substances along with alcohol or their metabolites. For those individuals under the jurisdiction of the Tribal Court for offenses where substances are deemed to be the primary issue, the Court ensures a truly random testing program. This program provides a system where individuals make one call a day to determine if they have been randomly selected for testing. The system monitors and scores the individual's compliance with the requirements that they refrain from consuming alcohol, illicit, and other abused substances.

In 2020, the Court provided **97 screens** to Tribal members at no cost. Also, **177** additional screens were provided for probation clients during the calendar year.

Preliminary Breath Test ("PBT")

A PBT is a device used to discover the presence/consumption of alcohol. Clients breathe through a straw into the device for a few seconds and the PBT analyzes the breath for alcohol.

Secure Continuous Remote Alcohol Monitoring (SCRAM)

The SCRAM is an alcohol monitoring device which is worn by clients that constantly monitors for the presence of alcohol. The SCRAM provides continuous data collection that is downloaded by the Probation Department.

SoberLink

This is a portable device that the client keeps with them at all times. The device is paired with the client's cell phone and randomly alerts them to provide a sample of breath for analysis. (Analysis is the same as with the PBT.) The data is then transferred by the cell phone into a software program that is accessed and monitored by Probation.

Global Positioning System ("GPS") Tethers

The Global Positioning System Tether is designed to track the location and movements of clients. The device will alert Probation if an individual leaves a specified location or enters a specific location. The device will also give real-time data on the location of the individual wearing the unit.

Cultural Resource Advisors

As in every year, in 2020, the Cultural Resource Advisors are regularly called upon to give guidance and teachings to the community. The Cultural Resource Advisor was requested to assist with traditional teachings to students in the Great Lakes Leadership Academy. This is in addition to the numerous times the Cultural Resource Advisor interacted with, supported, and provided teachings for those not only involved in Court programming, but in the community as a whole.

Regular sweat-lodges are an additional cultural activity added to support clients during their time in the program. In 2020, **3** sweat-lodge ceremonies were held. This was the first time some of the participants had exposure to this healing practice.

In 2020, the new Cultural Resource Advisor (female) was hired in March and has worked in conjunction with the Cultural Resource Advisor (male) and the Tribal Court/Specialty Programs to promote and provide traditions and cultural teachings to enhance the delivery of service.

Her role is to bring balance & serve as a bridge between the Specialty Courts and cultural resources within the LTBB community and provide guidance derived from the traditions and teachings of the community.

Completed goals of the Cultural Resource Advisor (female) for the Wellness to Healing Drug Court Program and the Family Preservation Program were the implementation of cultural workshops such as beading classes and the introduction of the Mask Making Project during COVID-19 for the program participants to gain traditional knowledge, fulfill their program requirements and help them identify their culture. The Cultural Resource Advisor (female) started a Mask Making Project in April to assist WMDCP participants in reaching their requirements during the Covid-19 Pandemic that restricted many from working.

The Mask Project created and distributed a total of **320** masks between the Department of Human Services, Community Health and Tribal Community families/Elders.

The Cultural Resource Advisor created a virtual instructed video on Mask Making for our participants, as well as a harvesting video for sage. The sacred medicine series is an ongoing documentation as seasons permit the harvesting. The online videos provide accessibility for our participants and was an idea that started during the pandemic to be able to teach without close contact.



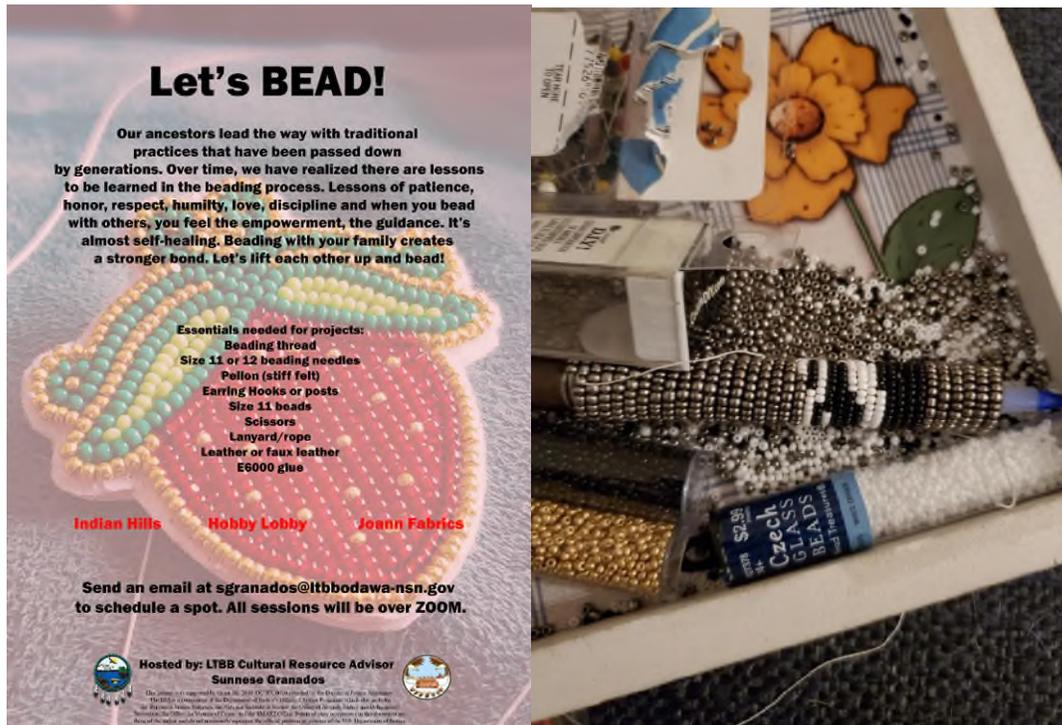
As part of community outreach and to help participants fulfill their program requirements, we participated in the community harvest hosted by Community Health. Our program participants and Cultural Resource Advisors spent a total of 13.5 hours in the summer picking vegetables for our elders in the community.



The Waabshki-Miigwan Healing-to-Wellness Program offers the opportunity for the participants to partake in a sacred fire for each phase of the journey facilitated by the Cultural Resource Advisor. In 2020, there were **7 sacred fires** overseen by the Cultural Resource Advisors where the participants received teachings and the opportunity to reflect on their progress.

Another part of the Healing-to-Wellness Program is the opportunity for clients to participate in a talking circle. These are held weekly and facilitated by the Cultural Resource Advisor. In 2020, due to COVID-19 restrictions, we held **33 talking circles** for participants in this program.

Being able to create accessibility of the traditions and oral history is important for our future. One of the goals for the Family Preservation Program is to encourage community involvement with families by creating events. Cultural workshops and other services will be offered to families and children.



Let's BEAD!

Our ancestors lead the way with traditional practices that have been passed down by generations. Over time, we have realized there are lessons to be learned in the beading process. Lessons of patience, honor, respect, humility, love, discipline and when you bead with others, you feel the empowerment, the guidance. It's almost self-healing. Beading with your family creates a stronger bond. Let's lift each other up and bead!

Essentials needed for projects:
Beading thread
Size 11 or 12 beading needles
Feltion (stiff felt)
Earring Hooks or posts
Size 11 beads
Scissors
Lanyard/rope
Leather or faux leather
E6000 glue

Indian Hills Hobby Lobby Joann Fabrics

Send an email at sgranados@ltbbodawa-nsn.gov to schedule a spot. All sessions will be over ZOOM.

Hosted by: LTBB Cultural Resource Advisor
Sunness Granados

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The photograph on the right shows a collection of beading supplies in a white tray, including a spool of blue Czech glass beads, a container of small silver beads, a blue and white beaded bracelet, and a yellow and orange beaded flower.

Specialty Court Programming

The Waabshki-Miigwan Healing-to-Wellness Drug Court Program (“WMDCP”) was established in 2010 with a mission to implement a partnership among the community, service providers, courts and citizens who face substance abuse challenges leading to repeated criminal justice involvement. WMDCP provides individuals the opportunity to restore a holistic balance in their lives by using Odawa values and teachings. Individuals eligible for participation are identified based on referrals from service providers and law enforcement. Many participants in the program are referred to WMDCP from the tri-county area of Emmet, Charlevoix, and Cheboygan Counties.

The White Feather Story, Seven Grandfather Teachings, and the Medicine Wheel Teachings, built the foundation of the WMDCP. The WMDCP also follows established and proven recovery principles including the “Ten Key Components of Wellness Courts,” “the National Association of Treatment Court Providers Best Practices” and the “Twelve Steps” as a guide in the treatment of those involved in the program.

The WMDCP is an eighteen-month structured program that has five phases: the learning level (10 weeks), the accepting level (12 weeks), the willing level (14 weeks), the succeeding level (16 weeks), and the aftercare level (24 weeks). The clients must complete assigned requirements to successfully advance:

- All the projects and assignments as provided with instruction in the WMDCP week-by-week workbook;
- Attendance at all assigned counseling, probation, court, and self-help meetings assigned in the WMDCP week-by-week planner; and
- Compliance with all the WMDCP rules and regulations with an emphasis on maintaining sobriety.

This highly structured program provides the opportunity for support and stability that assists participants in achieving the foundation towards meaningful, life changing, long-term recovery.

In 2020 this program supervised, supported, and guided **14** individuals in the services outlined above. There were a total of **48** WMDCP team meetings during the year and **221** client hearings held during that time.

Domestic Violence Court Docket

Background: In 2013, the Tribal Court was awarded a Justice for Families Grant from the Office of Violence against Women located within the United States Department of Justice. The purpose of the grant was to develop and implement a specialized Domestic Violence Court Docket. In 2014, the Court received a continuation grant to expand the goals and objectives of the project. In 2015, the Domestic Violence Court Docket was established. In 2016, LTBB Court was one of seven tribes to be awarded the Department of Justice Office of Violence Against Women's Special Domestic Violence Criminal Jurisdiction ("SDVCJ") Implementation Grant. This grant affirms LTBB's inherent jurisdiction over non-Indian offenders of domestic violence where the victim is an Indian. In 2017, the Domestic Violence Court Coordinator focused on meeting the goals and objectives of the Justice for Families Grant and ensuring policies and procedures are up to date to exercise LTBB's SDVCJ.

The Domestic Violence Court Coordinator continued facilitation of the Coordinated Community Response Team. The Team is comprised of representatives of several departments through LTBB's government along with the Women's Resource Center of Northern Michigan. The meetings provided the opportunity for each department to give an update on their current progress in implementing the best practices and policies regarding victim safety and offender accountability.

Domestic Violence Court Coordinator Activities:

- Participated monthly in project director phone calls;

- Inter-Tribal Working Group (“ITWG”) member and participated monthly in conference calls;
- VAWA workgroup team member;
- Prepared and submitted grant compliance reports;
- Hosted Coordinated Community Response (“CCR”) team meetings;
- Prepared court forms.

During the last year the Special Domestic Violence Coordinator and Trainer (“Coordinator”) was able to complete the following grant-related activities in addition to those listed above:

- Proposed statutory amendments to existing domestic violence legislation which were passed by the Tribal Council and signed into law, including the following: WOTCL 9.605(L), giving crime victims the right to confidentiality; WOTCL 9.703(N), broadening the definition of “territorial jurisdiction” of the Tribe to include trust lands; reorganizing WOTCL 9.705 to update due process guarantees, WOTCL 9.706(B) restructuring jury trial procedures to meet Federal statutory requirements, and clarifying personal protection order procedures in WOTCL 9.112.
- Proposed and drafted court rule changes which were approved by the Judiciary, including: 8.303 and 8.308 - jury pool procedures, 1.310 – arraignment and advice of rights procedures, 1.203 Right to Court appointed Counsel at court’s expense upon a finding of indigency and jury trial for any criminal offense, 7.405 adding the right to a court appointed attorney for appeal, 1.401 and 8.202 jury trial rights for any criminal defendant, 1.410 and 8.505 – right to unanimous verdict in criminal cases, 1.318 requiring jurisdiction challenges to be filed by motion ahead of trial, 1.315 bail and conditions of release, 8.305 and 8.504- jury procedures, and 1.101 adding criminal jurisdiction over non-Natives in domestic violence cases to the criminal jurisdiction of the Tribe.
- A 2nd round of laws was proposed allowing prior acts of domestic violence and the victim’s first outcry hearsay to be admissible in domestic violence cases – WOTCL 9.707(D), (E); adding the crimes of Strangulation, Stalking and Interference with Electronic Communications- WOTCL 9.107(C)(8), (9), and (10), amending and broadening the Obstruction charge in WOTCL 9.107(I) to add assaults against police officers and increasing penalties, rewriting the jurisdiction statute for domestic violence in 9.704, simplifying and clarifying the section, and rewriting and updating two sentencing statutes – the domestic violence penalties provision in WOTCL 9.708 and the general sentencing statute in WOTCL 9.106, modernizing and simplifying both statutes to account for present day considerations
- Standardized jury instructions were created.

- An in-depth jury trial outline “guidebook” was prepared for the court to assist in future jury trials.
- An in-depth analysis on the feasibility of remote jury trials was prepared.
- An in-depth analysis on TLOA considerations was drafted.
- Created new bond violation procedures and forms.
- Created new PPO forms, including a new uniform Petition and Order, Instructions, and Motion to Modify/Terminate.
- Created new Arraignment and Advice of Rights forms.
- The following trainings were prepared and conducted: Courtroom Testimony for Tribal Police; Mock Trial Scenarios for Tribal Court, Courtroom Testimony for DHS; Evidence Based Domestic Violence Investigation and Prosecution for Tribal Police (3 trainings completed for entire department, prosecutor and SOS live).
- The following trainings were prepared for law enforcement but will not be given until 2021 - Victim interviewing in DV & CSC cases for law enforcement, Evidence Handling for Law enforcement, and a second Courtroom Testimony class for L.E.
- Written overview of SDVCJ for the defense attorney bar prepared and distributed.
- Several updates to the DOJ Questionnaire Response prepared and sent to DOJ to gain authorization to spend funds on cases.
- Published a Domestic Violence poster and placed throughout community with help numbers.
- Published a SDVCJ article in Odawa Trails and on the Tribe’s Facebook page explaining SDVCJ.
- Completed a comprehensive review of all victim’s rights laws and cultural resources available to victims / survivors.
- Attended the three-day ITWIG Training as well as the annual three-day Tribal Consultation on SDVCJ.
- Proposed new Witness Intimidation and Subornation of Perjury statutes.

- Creation of a Victims' Rights and Resources information pamphlet/guide to be provided to victims, and a corresponding Odawa Trails article.
- Created a new Administrative Order for jury trials.
- Compiled and submitted list of civil/traditional/non-criminal/non-punitive sanctions for Domestic Violence and other crimes for consideration.
- List of innovative ideas on how to handle a jury trial during COVID-19.
- Proposed and passed new court rules on plea bargaining and amendments of Complaints.
- Complete rewrite of the DOJ Questionnaire Response in order to secure grant approval to fund SDVCJ prosecutions and related expenses.

Family Preservation Program / Court

As reported last year, Tribal Court continued progress on implementing the five-year Tribal Court Improvement Program ("TCIP") grant for the purpose of creating and implementing a Family Preservation Court. Tribal Court continued to make progress on the goal of implementing the Family Preservation Court during the past year.

One of the grant objectives was to implement statutory changes to create and implement a Family Resiliency Court. Contractors with specialized experience in child welfare were hired to work with the Child Welfare Forum team, the Legislative Attorney and Tribal Council to develop the statutory amendments proposed in the grant.

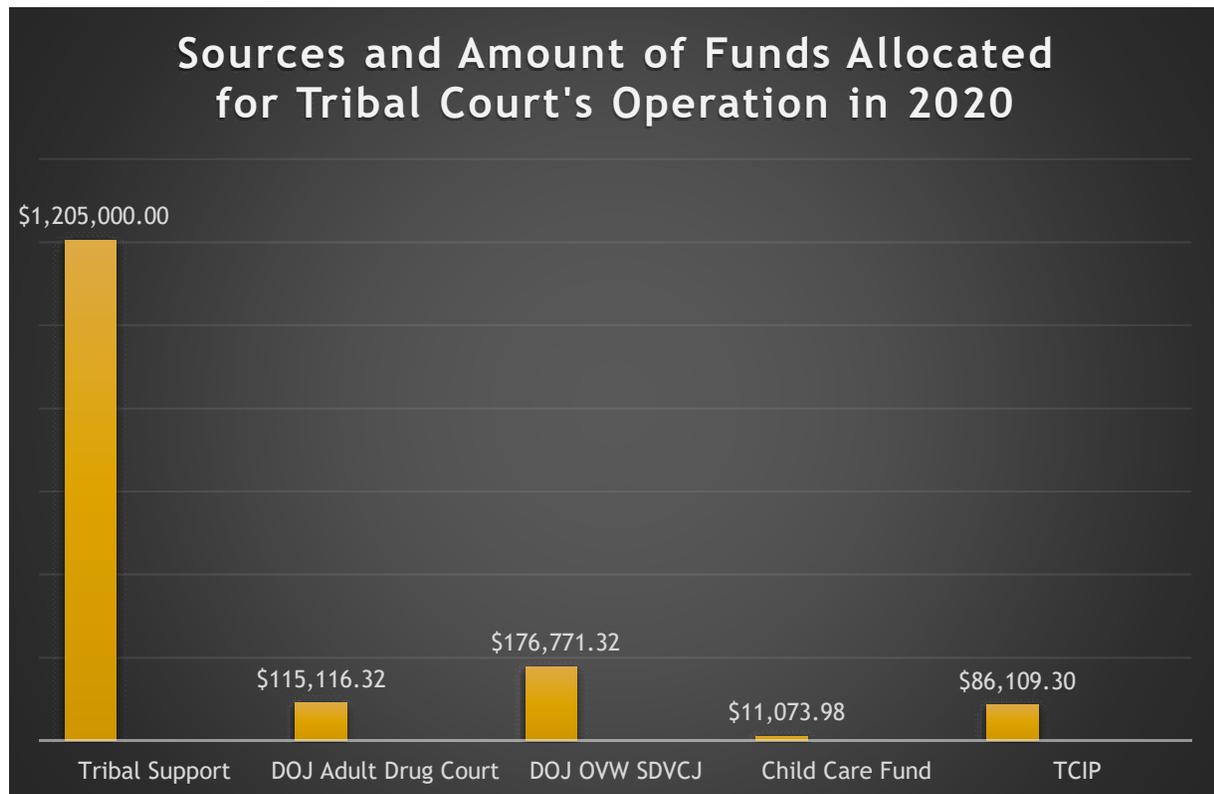
Another grant objective was the formation of a Child Welfare Forum ("CWF") team, comprised of individuals who are either currently involved in the child welfare system, or who were previously involved as a foster parent, foster child, adoptee or adoptive parent. The CWF began holding meetings to discuss proposed revisions to the child-welfare system and is continuing to do that work.

Some of the CWF team members were able to attend grant-required trainings in November at the Tompkins County Family Treatment Court in Ithaca, New York and the Saint Regis Mohawk Healing-to-Wellness Court in Akwesasne, New York. The team members who attended were able to observe how staffing in a family treatment court was structured and how family court hearings were conducted.

The Tribal Court continues to work towards implementing the grant objectives for the TCIP grant.

VI. FUNDING AND EXPENDITURES OF THE JUDICIARY IN 2020

The Tribal Court exemplifies the most direct exercise of LTBB’s sovereignty. LTBB Tribal Court receives funding from various sources to support its Constitutional duties, which include upholding the law, preserving citizens’ rights and liberties, and providing fundamental services to the community that are not received elsewhere. The majority of the Tribal Court’s funding comes from the Tribe’s general fund, requested by the Court and approved by Tribal Council. The remaining revenues come from grants, state and federal programs, and fees and fines imposed by the Court. The following graph represents the allocation for funding as approved by Tribal Council and revenues received through grants, fines, and fees. (Allocated funds are those amounts budgeted but not necessarily expended.) In 2020, the Court’s general fund budget was reduced due to the financial impact of the COVID-19 pandemic. The Tribal Court received supplemental funding from the BIA in the form of additional one-time CTGP funding and ATG funding through the CARES Act.



Grant Funding

The Court actively seeks and applies for funding to support specialized programming and services. The Court was awarded a new Justice for Families (“JFF”) grant in 2020 (the Court had previously been awarded a JFF grant which it successfully closed out.) The Justice for Families Grant will fund improvements in aspects of the criminal justice system that are related to

domestic violence, dating violence, sexual assault, and stalking. This grant will continue to support the work of the Coordinated Community Response Team. Justice for Families will provide funding for training and professional development and was modified to provide funding to Tribal Citizens needing representation by attorneys in various civil proceedings.

The Tribal Court continues to manage a grant awarded through the Office on Violence against Women, for the purpose of implementing Special Domestic Violence Criminal Jurisdiction. The grant funds facilitate the prosecution of non-Native offenders where the victim is Native, and the offense occurs within the Tribe's jurisdiction. This grant also funds training in the areas of investigation, due process, and offender programming. As this grant continues, the Court will use funding to ensure that we have the best policies and practices to provide victim safety, offender accountability, and due process rights to those involved in the justice system.

The Tribal Court continues to manage a grant awarded through the Department of Justice for the enhancement of the WMDCP Healing-to-Wellness program. These funds provide for increased drug and alcohol testing and GPS monitoring of clients at no cost to WMDCP clients. These funds also in-part for one of the CRAs and provide funding for direct client services, including rental assistance and employment support.

The Tribal Court continues to manage the TCIP grant. This grant is providing funding to overhaul and improve the child welfare system within the Tribe. These improvements include developing a collaborative, strength-based approach that adopts a treatment court model. This model utilizes a team to support families in the child welfare system to more quickly overcome barriers they are facing.

The Court, in order to offset the cost associated with the supervision, care, and custody of juveniles, participates in the State of Michigan Child Care Fund. This is a Federal program where Title IV-E dollars can be accessed to offset a portion of the expenses related to services provided to juveniles. The program is set up to reimburse the cost of services provided through both the Tribe's Department of Human Services and the Court. The Department of Human Services uses these funds to offset costs associated with Foster Care and other placements for children in need of care due to neglect and/or abuse. The Court utilizes the program to offset cost associated with children in need of supervision in their own homes. This State-operated, Federally-funded program assists the Tribe in managing costs and allowing the Court to provide these needed services.

VII. SPECIAL HIGHLIGHTS FROM 2020

Installation of the Polycom system. In 2020 the Tribal Court, in partnership with SCAO, had a Polycom system installed in the Tribal Court. The Polycom system is video conferencing system that is connected to jails, prisons, courts, mental health institutions, and residential facilities throughout the State of Michigan. This system allows the Court to hold hearings virtually which reduces costs to the judicial system and increases the ability of participants who are appearing

virtually to see the court room and the other individuals in the courtroom. This technology also increased the Court's ability to address challenges created by the COVID-19 pandemic.



Implementation of the RiteTrack Database. In 2019 the entire Tribal government suffered a ransomware attack which rendered the Tribal Court's database unusable. The Court began working with Handel IT in 2019 to develop and implement a new database system. This work was completed in 2020. The new database is a web-based system which has the ability to expand to include other departments within the Tribe.

Installation of Equipment to address COVID-19. As part of the Court's response to the COVID-19 pandemic, the Court installed a variety of safety devices to help prevent and reduce the transmission of COVID-19. These devices included contactless temperature/hand sanitizing stations in the court lobby and employee entrances, plexiglass barriers in the courtroom and an intercom system at the main entrance of the 911 Spring Street Building for the public to utilize.





COVID-19 Response. In addition to the installation of safety devices described above, the Tribal Court implemented a number of administrative responses to maintain access to Tribal Court and maintain the level of service available to Tribal citizens.

Administrative Orders:

The Tribal Court enacted several administrative orders in response to the COVID-19 pandemic, including administrative orders governing the closure of the court offices and phased re-opening plans.

Administrative Order 03-16-2020-02 (suspending in-person hearings, suspending courtesy drug & alcohol screening, requiring e-filing of documents, suspending the scheduling of certain types of hearings, closing the court offices)

Administrative Order 04-27-2020-03 (adopting protocols for a phased reopening of the court offices, including in-office mitigation measures and health screening, continue remote working for employees)

Administrative Order 06-08-2020-04 (adopting Phase I reopening plan concurrent with the Executive branch, requiring employees capable of remotely working to do so, limiting in-office presence, mandatory COVID screening by employees coming into office, use of PPE, workplace safety precautions, adoption of QPTO policy)

Administrative Order 06-24-2020-05 (adopting Phase II reopening plan concurrent with the Executive branch, reincorporation of issues addressed in Phase I, addressing closure of public/private schools & accommodations for employees with school aged children)

Policies:

The Tribal Court enacted a policy for the conduct of hearings via Zoom or similar video conferencing formats.

Zoom Guidelines for Hearing Participants May 2020

The Tribal Court amended sections of the Employee Handbook to cover remote working and emergency closures.

**Employee Handbook Amendment – New Section III (I)–Remotely Working Under Emergency Closure;
Administrative Leave**

Court Rules:

The Judiciary adopted several changes to the court rules to address issues created by the pandemic.

Amendment to LTBBRCP VI (allowing electronic service and filing of documents, amending the requirement of filing originals with the Court during states of emergency) (adopted March 13, 2020)

Amendment to LTBBRCP 1.204 (allowing the expanded use of teleconferencing and permitting the use of remote proceedings based on good cause)

Funding alternatives:

The Tribal Court shifted its primary source of funding from tribally generated revenue to BIA one time Contract Tribal Government Program (CTGP) funds and BIA Aid to Tribal Governments (ATG) funds. The Tribal Court applied for, and was awarded, COVID-19 related grants from the Michigan State Police CERF funding (this provided barriers and screening stations for the Tribal Court) and CARES Act funding which allowed the purchase of equipment for employees to be able to work remotely.

General:

Tribal Court rapidly shifted to remote hearings for all cases. Tribal Court was able to continuously hold hearing during periods of closure and phased re-openings and was one of the few treatment courts in the State that did not stop holding hearings/suspend programming at any point during the pandemic.

- The Court participated in coordinated COVID-19 response meetings with the Executive and Legislative branches of the Tribe throughout the pandemic. The Court also reached out to the other local courts to work cooperatively on case management and service provision during this time.

Internally the Court shifted to having employees work remotely and in-office. The Court has utilized Zoom to hold regular staff meetings and its quarterly Judiciary meetings. The period time has brought an expanded use of electronic communication and virtual meeting platforms.

VIII. CONCLUSION

Each year the Tribal Judiciary and its employees work diligently to provide the highest quality and most efficient service to the Little Traverse Bay Bands Community. We hope that this report provides the community information that outlines our efforts in that endeavor.

As you will see in the attached Appendix, we have also taken the opportunity to share with you information related to the use of the Court and would encourage community members to utilize this option should the need arise.

The LTBB Tribal Court appreciates the opportunity to serve the community. We welcome and encourage your questions, feedback, or comments on the services and programs that we provide. Court Administrator, Matthew Lesky, can be contacted by email at mwlesky@ltbbodawa-nsn.gov, by phone at (231) 242-1461, or at the office located at 911 Spring St. in Petoskey during normal business hours.

APPENDIX

LTBB Tribal Court User Guide

“Where can I find the LTBB Court rules and procedures?”

- The LTBB Court rules and procedures, including the LTBB Criminal Procedures, LTBB Rules of Civil Procedure, and the Recognition and Enforcement of Foreign Court Judgments, can be found on the LTBB Website at <http://www.ltbbodawa-nsn.gov/Tribal%20Court/TribalCourtRules.html>

“How do I commence a civil action in Tribal Court?”

- Civil actions begin by filing a civil complaint with the Tribal Court. Once a complaint has been filed, the filing party (or plaintiff) must prepare a summons to be served on the defendant. (See the LTBB Rules of Civil Procedure online for detailed instructions.)

“What’s the difference between a civil action and a criminal action?”

- Criminal actions are punitive enforcement measures initiated primarily by the Tribal Prosecutor, not private citizens, in the name of the People of the Little Traverse Bay Bands of Odawa Indians for violations of criminal law. Criminal law typically allows for the imposition of jail time as a punishment for breaking the law.
- On the other hand, civil actions generally involve private disputes between persons or institutions seeking monetary damages or injunctive relief requiring that an individual or organization do or not do something.

“What cases may the Tribal Court hear?”

- The Tribal Court is a court of general jurisdiction and hears all criminal and civil cases arising under the LTBB Constitution, Waganakising Odawa Tribal Code of Law (“WOTCL”), and any other source of applicable law.

“Are there fees associated with filing actions in Tribal Court?”

- Yes. There is a general filing fee of \$25.00. Additionally, motion fees cost \$10.00, jury demand fees cost \$100.00, garnishment fees cost \$15.00, and enforcement of foreign judgment fees cost \$25.00. Please keep in mind; however, that individuals receiving public assistance and other indigent persons may be entitled to a waiver of fees upon request. There are no fees for wedding ceremonies. We love being a part of your special day!

“Do my pleadings have to be formatted in a certain way?”

- Yes. Pursuant to LTBB Rule of Civil Procedure VIII, Section 3, all pleadings must include a heading designating the Tribal Court and a caption designating the parties to the suit and the assigned court rule number, if any. Additionally, all pleadings must be double-spaced with one-inch margins on the left and right sides and two-inch margins on the top and bottom and submitted to the Court on 8.5” x 11” white paper. With the exception of discovery and motions, all pleadings must also be numbered to identify each allegation and shall separately number each paragraph. All affirmative defenses, counterclaims, or cross-claims must be separately set forth and clearly designated as such.

“When are orders of the Tribal Court considered final?”

- Orders of the Tribal Court are considered final when they are signed by the judge. An order is entered when it is filed in the office of the clerk of court.

“What’s the difference between the LTBB Tribal Court and the LTBB Appellate Court?”

- The LTBB Tribal Court is a trial court of general jurisdiction responsible for hearing criminal and civil cases filed under the LTBB Constitution, Waganakising Odawa Tribal Code of Law (“WOTCL”), and any other source of applicable law. It is the court where cases start, where witnesses are heard, where most evidence is presented, and where facts are determined. All Tribal Court cases are heard by a single judge. The Tribal Court is overseen by the Chief Judge of the LTBB.
- The LTBB Appellate Court is the court of last resort for the Tribe. It only hears cases that involve appeals from final orders of the Tribal Court. Unlike the Tribal Court, the Appellate Court does not make findings of fact, and is instead concerned only with determining whether the Tribal Court correctly applied the law at issue. Appellate Court cases are heard by a panel of three justices. The Appellate Court is overseen by the Chief Justice Sean Cahill of the LTBB.

“Who is the Tribal Judiciary?”

- The Tribal Court Judiciary consists of the Chief Judge, one Associate Judge, the Appellate Court Chief Justice, and the two Appellate Court Justices.

“Is the Tribal Court under the authority of the Tribal Chairman or Tribal Council?”

- No. The Tribal Court is part of the LTBB Judicial Branch, which is an independent branch of the LTBB government established under Article IX of the LTBB Constitution. Under the LTBB Constitution, no person exercising the powers of any of the other two (2) branches of government may exercise powers properly belonging to the Judicial Branch of Tribal Government.

- The LTBB Judicial Branch is overseen by the Tribal Judiciary. If you feel that any of the Judges of the Tribal Court or Justices of the Appellate Court have practiced unethical conduct, as defined by the LTBB Judicial Conduct Court Rules (see JCCR 5.201-5.207), you must fill out and submit a formal complaint using the Judicial Misconduct Complaint Form and submit your complaint to the Court Administrator. The complaint will then go under review by the Tribal Judiciary. Judicial Misconduct Complaint Forms can be accessed on the Judicial LTBB Website under Other Court Forms and can also be requested from the Court.

“I am unsatisfied with an order of the Tribal Court. What next?”

- All orders of the Tribal Court may be appealed to the Tribal Appellate Court within twenty-eight (28) calendar days after the entry of a final written order of the Tribal Court.

Frequently Asked Questions

“Why is a state court order against me being enforced in Tribal Court?”

- Pursuant to LTBB Court Rule 4.000-4.400, LTBB courts are required to recognize and enforce the judgments of a foreign court if that foreign court recognizes and enforces the judgements of LTBB Courts. In an effort to ensure that Tribal Court judgements and orders may be enforced in state courts, we have a Court rule requiring full faith and credit for state court orders. An individual can challenge a foreign court judgment by demonstrating that:
 - the foreign court lacked personal or subject matter jurisdiction over the individual;
 - the foreign judgment was obtained by fraud, duress or coercion;
 - the foreign judgment is repugnant to the public policy of the LTBB; or
 - the foreign judgment is not final under the laws and procedures of the foreign court.

“When can my per capita check be garnished?”

- Under the authority of the Revenue Allocation Plan (“RAP”) approved by the LTBB Tribal Council and the Bureau of Indian Affairs (“BIA”), per capita checks may only be garnished to provide funds to fulfill child support obligations. Moreover, only LTBB Courts, whether by way of an original action filed in Tribal Court or by an action seeking the enforcement of a foreign judgment in Tribal Court, may formally authorize garnishment of Tribal citizens’ per capita funds.

“Why do I lose child support payments when my child is placed out of the home due to no fault of my own?”

- Under the Michigan Child Support Formula, child support generally follows custody of the child. That is to say that only parents with physical custody of their children are generally entitled to receive child support payments. The Court understands that such a rule can lead to harsh results for parents, particularly in juvenile justice matters where children may be removed from a parent’s custody due to no fault of the parent. Specifically, as the result of the current rule, parents that have children temporarily removed from their custody lose access to crucial child support funds that were being used to provide safe and sound housing and other essential needs for their children. Recognizing the harsh consequences that the Michigan Child Support Formula places on parents in certain circumstances, and in consideration of the best interests of children,

the Court has proposed that Tribal Council establish a renewable fund to help offset expenses of parents who have lost child support funds as a result of their children being temporarily removed from their custody due to no fault of their own.

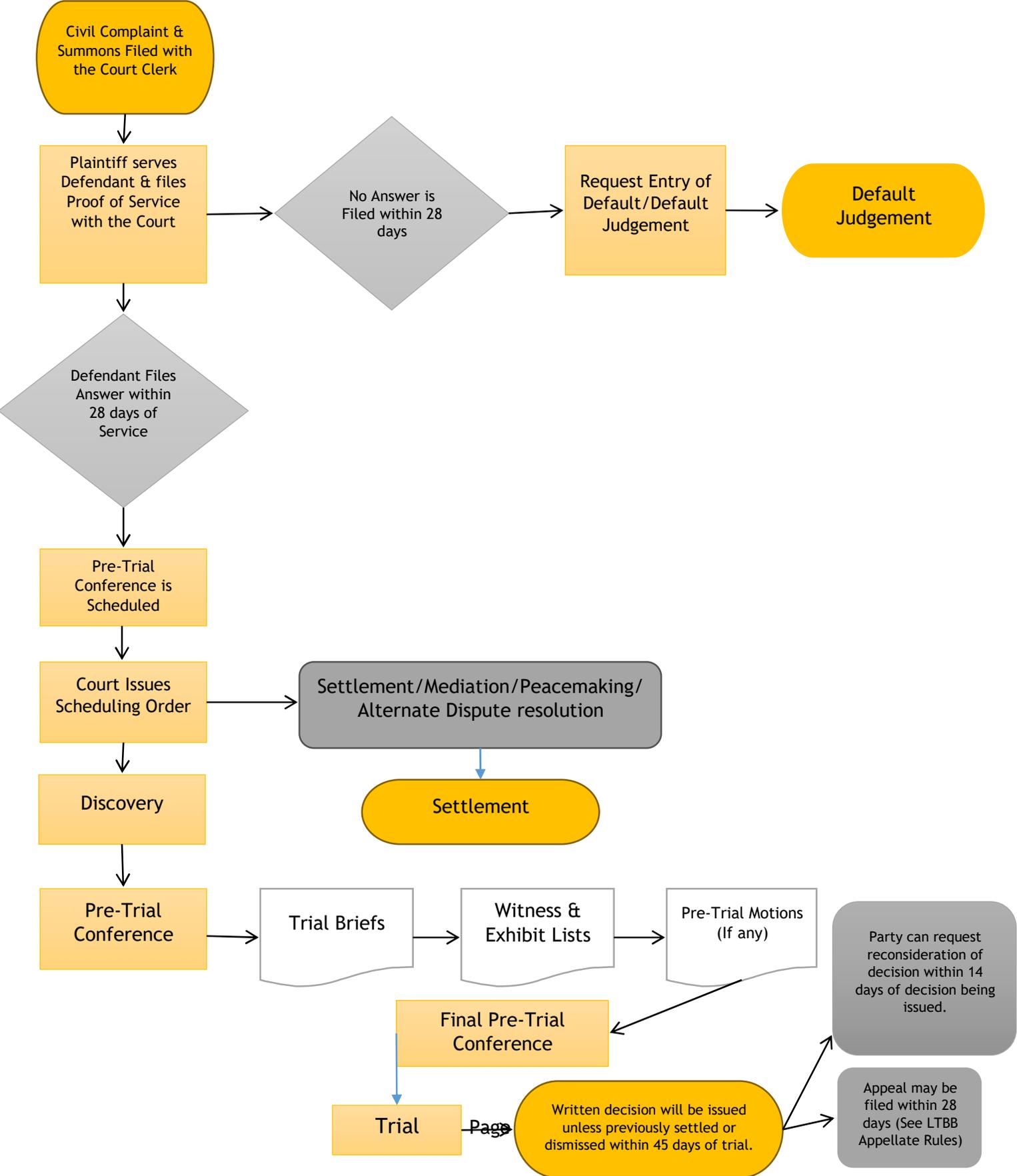
“When does the Tribal Court pay for drug screens and monitoring?”

- Drug Screens: Tribal Court will pay for the drug screens of **LTBB Citizens**, upon the presentation of an LTBB Tribal ID Card. Additionally, in order to qualify for payment of drug screens through the Tribal Court, LTBB Citizens must have their drug screens performed at the LTBB Court or by LTBB Law Enforcement and under the supervision of LTBB Court staff or LTBB Law Enforcement staff. Tribal Court does not pay for drug screens of non-LTBB Citizens unless they are under the jurisdiction of the LTBB Tribal Court.
- Monitoring: Tribal Court will pay for monitoring devices to be placed on **any** member of a Federally-recognized Indian tribe (as well as any associated costs) so long as placement occurs as a result of an individual’s involvement in a legal matter in Tribal Court.

“Can Tribal Court staff provide me with legal advice?”

- No. Although Tribal Court staff may provide procedural advice regarding rules, filing fees, and the court process generally, staff are prohibited from providing legal advice to clients due to ethical considerations designed to prevent potential conflicts of interest.
- Please note that Cherie Dominic staffs the Tribe’s Office of Citizen’s Legal Assistance (“OCLA”), which is located at the LTBB Government Center in Harbor Springs. While the OCLA will be available to assist Tribal Citizens with legal guidance and document drafting, the Office may neither appear in court on behalf of Tribal Citizens nor assist with issues that involve the Tribe.

Civil Case Filing Process Chart



Civil Complaint & Summons Filed with the Court Clerk

Plaintiff serves Defendant & files Proof of Service with the Court

No Answer is Filed within 28 days

Request Entry of Default/Default Judgement

Default Judgement

Defendant Files Answer within 28 days of Service

Pre-Trial Conference is Scheduled

Court Issues Scheduling Order

Settlement/Mediation/Peacemaking/Alternate Dispute resolution

Settlement

Discovery

Pre-Trial Conference

Trial Briefs

Witness & Exhibit Lists

Pre-Trial Motions (If any)

Party can request reconsideration of decision within 14 days of decision being issued.

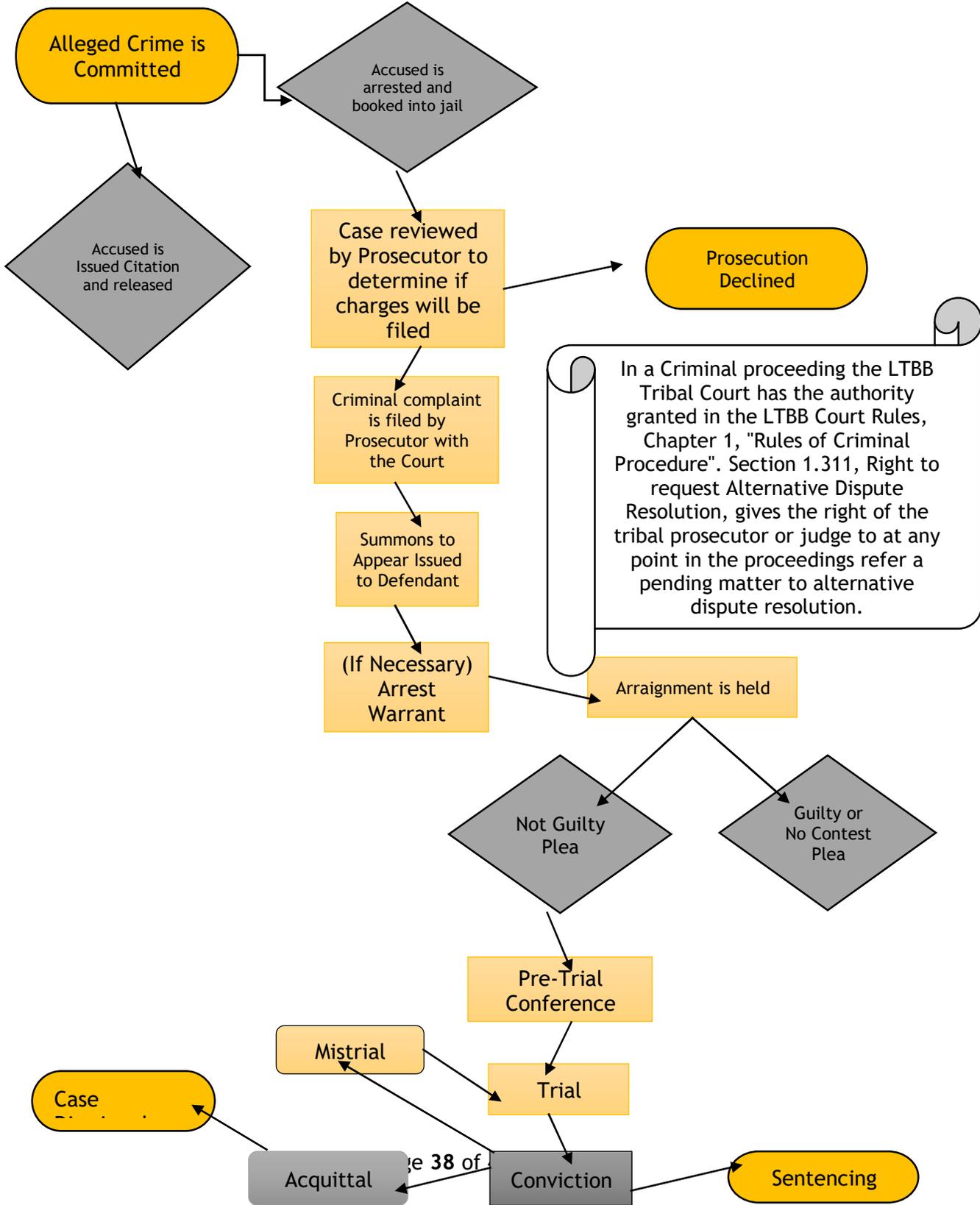
Final Pre-Trial Conference

Trial

Written decision will be issued unless previously settled or dismissed within 45 days of trial.

Appeal may be filed within 28 days (See LTBB Appellate Rules)

Criminal Case Filing Process Chart



Appellate Court Information

The Tribal Appellate Court has jurisdiction over any case that has initially been heard by the Trial Court. After issuing a decision, order, or final judgment, a party to the action may make appeal to the Court, based on alleged error of law, procedural violation of the Constitution, laws or regulations enacted by Tribal Council, Court Rules, or a clear factual error.

The Appellate Court is made of three Justices, appointed by Tribal Council, and meet as often as circumstances require. Rulings of the Appellate Court are final, binding, and cannot be appealed to the Tribal Council, Tribal Membership, or any jurisdiction.

FREQUENTLY ASKED QUESTIONS OF THE LTBB APPELLATE COURT

The information below is based on the Appellate Court Rules of Procedure and does not constitute legal advice.

“Where can I find the LTBB Appellate Court Procedures?”

- The LTBB Tribal Judiciary adopted on 4/7/2002, Chapter 7 Court Rules, “Appellate Procedures” that provides information regarding the Appellate Court Procedures. They can be found on the LTBB Judicial Website.

“How much time do I have to file my appeal?”

- Unless an alternative timeframe is provided by the LTBB Constitution or Tribal Statute, an appeal to the Tribal Appellate Court in both civil and criminal cases must be filed no later than twenty-eight calendar days after the entry of the final written Tribal Court judgment, order, or decision. (*LTBBRAP 7.401*).

“Who has the right to appeal?”

- (a) In civil cases, any party adversely affected by a decision of the Tribal Court in a civil case may appeal. (b) In criminal cases, the defendant in a criminal case may appeal the judgment or sentence. The prosecution may appeal a decision to the extent it raises a question of law, rather than of fact. (*LTBBRAP 7.303*).

“When reviewing an appeal, what is the scope of the Court’s review?”

- 1. Increase or decrease any sentence in a criminal case;
2. Affirm, modify, vacate, set aside or reverse any judgment, order or decision of the Tribal Court;
3. Award the costs of the appeal; or
4. Remand the case to the Tribal Court and direct entry of an appropriate judgment,

order or decision, or require such further proceedings as may be just and equitable under the circumstances. (*LTBBRAP 7.305*).

“How do I serve my Notice of Appeal?”

- A copy of the Notice of Appeal shall be served on all other parties by the Clerk of the Tribal Appellate Court by first class mail. (*LTBBRAP 7.403*).

“Is there a filing fee?”

- There is a filing fee of \$100.00 when filing a Notice of Appeal. If filing an Enrollment Appeal, there is a fee of \$25.00. Please also keep in mind that any motions that may be filed must also be filed with a \$10.00 motion filing fee. (*LTBBRAP 7.404*).

“Upon my filing of my Notice of Appeal, does that automatically remain a Tribal Court proceeding?”

- Upon notification of a request for stay, the Clerk will file notice with the Appellate Court prior to the docketing of the Appellate Scheduling Conference. (*LTBBRAP 7.407*).

“What is the Appellate Scheduling Conference for?”

- This is a conference between the Justices of the Appellate Court and the parties to determine need for oral arguments, briefing schedule and requirements, ordering of transcripts, waiver of filing fees and transcript cost, scheduling of motions, requested remedies and defining of issues. This is held on the record and a Scheduling Order will be issued following the conference. (*LTBBRAP 7.408*).

“Does my brief have to be formatted a certain way?”

- Yes. In the Appellate Procedures, Chapter 7, Court Rule 7.410(A), as amended on 10/31/2008, mandates that briefs shall be typewritten, double spaced, on white paper 8 ½ by 11 inches in size. With the exception of the title page, briefs must have typed page numbers on the center of the bottom of each page. No brief shall exceed 50 pages in length. Four copies of each brief shall be submitted to the Appellate Court. (*LTBBRAP 7.410*).

“Are there timeframe guidelines that the Appellate Court uses for efficient process of Appellate Cases?”

- There are guidelines for the administration and review of Appellate Cases; however, the guidelines are subject to modification based on the specific circumstances of individual appeal cases.
 1. When a Notice of Appeal is filed with the Appellate Court, the Appellate Court Clerk should aim to prepare copies of the tribal court record and distribute copies of the Notice of Record of Transmittal within fourteen (14) days.

2. The Scheduling Conference should be scheduled for a date within fourteen (14) days of the distribution of the Notice of Record of Transmittal.
3. The following timeline should apply to the briefing schedule for most appeals. Again, if the circumstances warrant, the timelines can be modified:
 - a. The Opening Appellate Brief deadline should be twenty-eight (28) days following the date of the Scheduling Conference;
 - b. The Response Brief deadline should be twenty-eight (28) days following the deadline for the Opening Appellate Brief;
 - c. The Reply Brief deadline should be fourteen (14) days following the deadline for the Response Brief.
4. If requested or deemed necessary by the Appellate Court, oral arguments should be scheduled for a date that is within fourteen (14) days following the deadline for the Reply Brief.

TAKE NOTE: These are just guidelines. All timelines are set forth at the Appellate Scheduling Conference between the parties. The Scheduling Order that is issued following the conference will set forth all deadlines in the case on appeal for the parties. The Scheduling Order is a Court Order by the Appellate Court and the timeframes set forth on the order must be followed by the parties.

“Does the Appellate Court have standards for computing time requirements?”

Yes. In Chapter 7 of the Appellate Procedures, Rule 7.601, states that in computing the period of time prescribed by these Rules or by any order of the Tribal Appellate Court, the day of the act or event from which the period begins to run is not included. The last day of the period is included, unless it falls on a Saturday, Sunday, or Tribal Holiday. In that event the last day of the period falls on the next regular business day. (*LTBBRAP 7.601*).

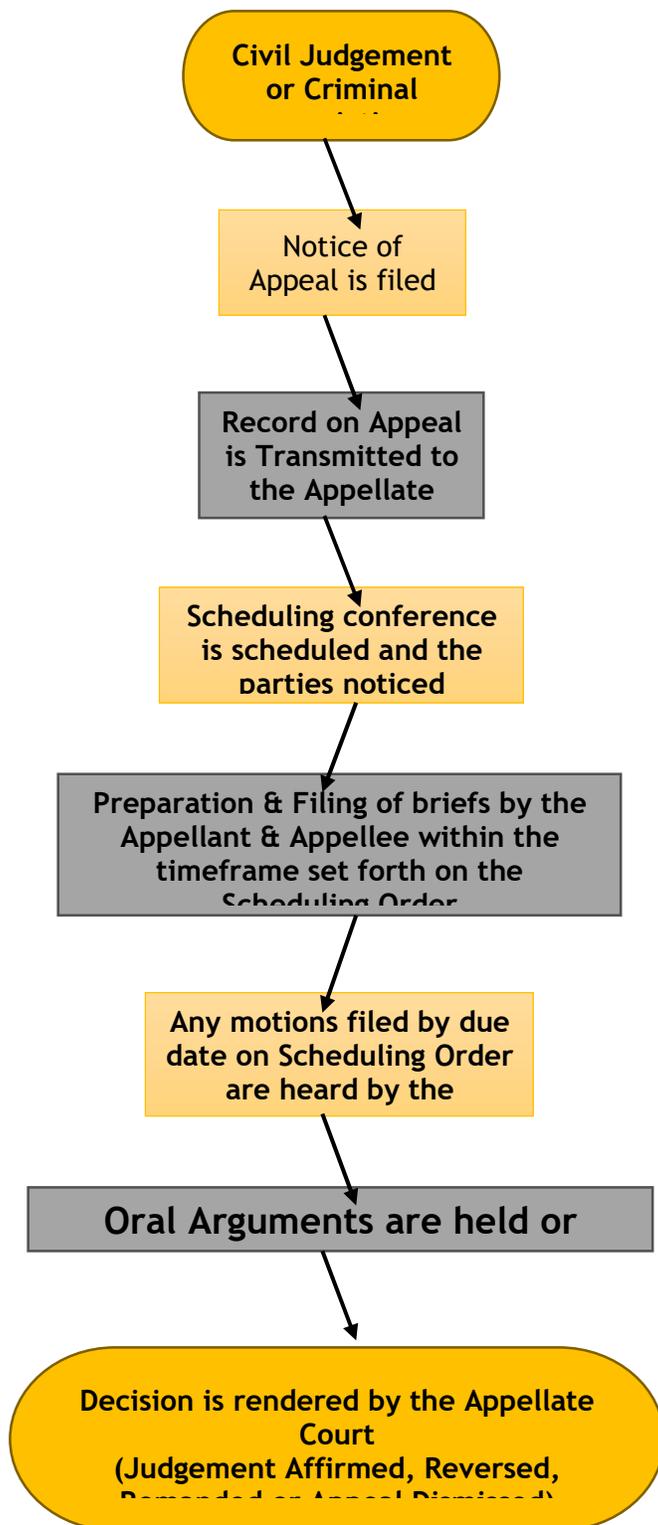
“Who does the Tribal Appellate Court answer to?”

- The Tribal Appellate Court is part of the Tribal Court System. The Judicial Branch of government is an independent branch of government that is constitutionally mandated under Article IX of the LTBB Constitution. The judicial power of the Little Traverse Bay Bands of Odawa Indians shall be vested in the Tribal Court system. Article IX, Section (H) of the LTBB Constitution mandates Judicial Independence. The Judicial Branch shall be independent from the Legislative and Executive branches of the Tribal government and

no person exercising the powers of any of the other two (2) branches of government shall exercise powers properly belonging to the Judicial Branch of Tribal Government.

- The head of the Judicial Branch of government is the Tribal Judiciary. If you feel that any of the Justices of the Appellate Court have practiced unethical conduct, as defined by the LTBB Judicial Conduct Court Rules (see JCCR 5.201-5.207) you must fill out and submit a formal complaint using the Judicial Misconduct Complaint Form and submit it to the Court Administrator. The complaint will then be reviewed by the Tribal Judiciary. Judicial Misconduct Complaint Forms can be accessed on the Judicial LTBB Website under Other Court Forms and can also be requested from the Court.

Appellate Case Filing Process Chart



FREQUENTLY ASKED QUESTIONS FOR REINSTATEMENT OF DRIVING PRIVILEGES

“Am I eligible to receive a Sobriety Court restricted license?”

- A Sobriety Court determines whether you are eligible and accepts you into their Sobriety Court program. You may be eligible if you were arrested for an alcohol-related offense on or after Jan 1, 2011, have a prior alcohol conviction(s), and are approved by a Sobriety Court.

“Who can authorize a Sobriety Court restricted license?”

- Only certain courts within the State of Michigan meet the requirements for a Sobriety (DWI) Court. Please visit the [State Court Administrative Office website](#) for specific information.

“If a Sobriety Court approves me for a Sobriety Court restricted license, do I have to mail or bring documentation to a Secretary of State office?”

- The Sobriety Court will notify the Secretary of State directly. If you are eligible and your license has not expired, the Secretary of State will mail the Sobriety Court restricted license to you. You will not need to provide any additional documentation to the Secretary of State.
- However, if your license is expired, you will receive a letter authorizing your renewal at a Secretary of State office. After you have completed the renewal process, the Secretary of State will mail the Sobriety Court restricted license to you.

“How soon can I start driving after the Sobriety Court tells me I have been approved for a Sobriety Court restricted license?”

- You may not drive until the beginning date shown on the Sobriety Court restricted license that you will receive in the mail. The law requires you to serve a minimum of 45 days without a license. The 45-day minimum waiting period starts on the beginning date of the suspension or denial/revocation shown on your Order of Action and driving record.

“Do I need to have an ignition interlock on every car that I own?”

- The law requires you to have an ignition interlock device installed on each vehicle you own or operate.

“Am I allowed to drive to get the ignition interlock installed?”

- Only if your license is not currently suspended, revoked or denied. The Sobriety Court law does not have any special provisions for driving to have the ignition interlock installed.

“Where can I go to have the ignition interlock installed on my vehicle(s)?”

- The Sobriety Court will provide you with a list of currently approved ignition interlock providers

“If I receive a driver license suspension, revocation, or denial after I receive the Sobriety Court restricted license, what happens to my driving privileges?”

- You are not permitted to drive until the new suspension, revocation, or denial is cleared.
- After the suspension, revocation or denial is cleared or terminated, you may resume driving with your Sobriety Court restricted license unless the Sobriety Court has ordered your removal from the Sobriety Court program.

“Am I permitted to drive after I successfully complete the Sobriety Court program?”

- After successful completion of the Sobriety Court program, you will continue with the Sobriety Court restricted license until the Administrative Hearings Section of the Michigan Department of State grants full driving privileges.

“Can I get my Sobriety Court restricted license back if the Sobriety Court removed me from the program?”

- The law does not permit a Sobriety Court to reinstate a Sobriety Court restricted license for the same alcohol offense.

“What happens if I do not successfully complete the Sobriety Court program?”

- If you do not successfully complete the Sobriety Court program, you are subject to all suspensions, revocations, or denials that were in effect before your entrance into the Sobriety Court program.
- You will also be responsible for any unpaid Driver Responsibility Fees that were not collected while you were in the program.

“If I receive a Sobriety Court restricted license, what happens to my Driver Responsibility Fees?”

- You are still responsible for paying any Driver Responsibility Fees (DRF) based on points and non-alcohol related offenses. The Department of Treasury will not actively pursue collection of DRF fees based on alcohol convictions until you are no longer in the program.

“What will show on my driving record while I am under the Sobriety Court restricted license?”

- Your driving record will still show your driving history, including all your tickets, points, suspensions, revocations, and denials. You may request your driving record by fax, phone, or mail.

“Do I have to provide the Secretary of State with proof that I have installed an ignition interlock device on my vehicle(s)?”

- The Sobriety Court will inform the Secretary of State that the ignition interlock device(s) have been installed in the vehicles you own and operate. You do not have to provide any documentation of ignition interlock installation to the Secretary of State.

“Can I have the ignition interlock device(s) removed after I successfully complete the Sobriety Court program?”

- You must keep the ignition interlock device(s) installed until the Administrative Hearings Section of the Michigan Department of State grants full driving privileges.

“If I already have an ignition interlock device(s) installed on my vehicle(s), can I use it?”

- You must contact the Sobriety Court that authorized your Sobriety Court restricted license to determine whether the device(s) is from a state-approved ignition interlock provider and acceptable for their program.

“May I drive for work with my Sobriety Court restricted license?”

- Driving as part of your job (e.g., driving a taxi, school bus, or delivery service) is a violation of the terms of your Sobriety Court restricted license, but driving to and from work is permitted. The Sobriety Court restricted license law does not allow driving “in the course of employment.”

“Where can I drive on my Sobriety Court restricted license?”

- The Sobriety Court restricted license permits you to drive to and from any combination of the following: your residence, your workplace, your school, and an alcohol or drug education or treatment program as ordered by the court. You must carry proof of the destination and hours with your Sobriety Court restricted license.

“Can I obtain a Sobriety Court restricted license if I have a Commercial Driver License (CDL)?”

- A CDL driver may receive a Sobriety Court restricted license but is prohibited by federal and state law from operating a commercial motor vehicle with a restricted license.

“How can I get full driving privileges restored after I successfully complete the Sobriety Court program?”

- You may request a hearing with the Administrative Hearings Section of the Michigan Department of State to restore full driving privileges after the minimum periods for all suspensions, revocations, and denials on your driving record have passed. You may request your driving record by fax, phone, or mail.